

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 08-18

December 28, 2007

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Revised FOIA Appeal Language

Section 102.117(c)(2)(v) of the Board's Rules and Regulations has been revised with respect to the deadline for filing a FOIA appeal. Under the revised rule, a FOIA appeal "must be filed within 28 calendar days of the service of the notification of the adverse determination...." This change will result in a more fair procedure since, unlike the old rule that used the date of "receipt by the person" filing the appeal to judge timeliness, there will be an objective date based on service by which to judge timeliness. Accordingly, the language in the letters sent by Regional Offices denying initial FOIA requests in whole or in part should now state as follows:

The undersigned is responsible for the above determination. You may obtain a review thereof under the provisions of the NLRB's Rules and Regulations, 29 C.F.R. 102.117(c)(2)(v) by filing an appeal with the General Counsel, National Labor Relations Board, Washington, D.C. 20570, within 28 calendar days from the service of this letter. Thus, the appeal must be received by the close of business at 5:00 pm (ET) on [28 days from issuance]. Any appeal should contain a complete statement of the reasons upon which it is based.

If you have any questions regarding this memorandum, please contact your AGC or Deputy or the undersigned.

/s/
R.A.S.

cc: NLRBU
Release to the Public

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